

# **STANDING COMMITTEE ON PUBLIC ADMINISTRATION**

**INQUIRY INTO STATUTORY OFFICE HOLDERS**



**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
MONDAY, 14 MAY 2018**

**SESSION TWO**

**Members**

**Hon Adele Farina (Chair)  
Hon Jacqui Boydell (Deputy Chair)  
Hon Ken Baston  
Hon Kyle McGinn  
Hon Darren West**

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**Hearing commenced at 1.00 pm****Mr CHRIS FIELD****Ombudsman, Ombudsman Western Australia, sworn and examined:****Mrs GWYNETH MARY WHITE****Deputy Ombudsman, Ombudsman Western Australia, sworn and examined:**

**The CHAIR:** I have a few formalities I need to go through first before we get started. On behalf of the committee, I welcome you to the hearing. Before we begin, I need to ask you to take either the oath or the affirmation.

[Witnesses took the oath and affirmation.]

**The CHAIR:** Thank you. You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

**The WITNESSES:** Yes.

**The CHAIR:** These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. For the purposes of the committee and Hansard, could you please be mindful of the microphones, and please speak into the microphones and do not cover them with paper. If you quote from any document, could you please advise the full title of the document. I remind you that your transcript of evidence will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. I also ask you to note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Chris, I invite you to make an opening statement if you would like to.

**Mr FIELD:** Chair, thank you. I will simply say this, and you did indicate before, this is not the first time I have appeared before a committee. I have regularly, and quite properly, appeared before a number of committees—this committee in its various iterations over a number of Parliaments, and several other committees, select and standing, of this Parliament; and also of course each year, as I will be doing on Tuesday week, the appropriations hearings of Parliament. I would say this: the privilege never diminishes. It is extraordinary privilege to be here as an officer of the Parliament. We take that privilege incredibly seriously in my office. We serve Parliament, and that is our role. I am delighted to be here, and anything we can do to assist both in today’s hearing but also the work of the committee and its important work over the next years of the current term of this Parliament, we will be delighted to contribute in any sensible way that we can.

**The CHAIR:** Thank you very much, Chris. We will be going through the 2016–17 annual report just so that you have some idea of where the questions are coming from. It states at page 6 that you have commenced a program to improve the effectiveness and efficiency of how you receive, investigate and resolve complaints. It states also that since that program was instituted, the average age of the complaints has reduced from 173 days as at 30 June 2007 to 32 days as at 30 June 2017—that is over a 10-year period—and that in the last year, 94 per cent of complaints have been resolved within three months. Would you just explain to the committee how you achieved those changes?

**Mr FIELD:** Yes. I am absolutely delighted to address that, and it is a really critical question. It goes to what are the core purposes of the Ombudsman's office. When I first commenced, it was very much a question of working with my corporate executive of, "What are we here to do?" One of the things we are, of course, here to do is to provide access to justice to Western Australian citizens. That was the whole point of creating the Ombudsman's office 200 years ago in Sweden and over the last 40 to 50 years in Australia and New Zealand, with no pejorative comments about the courts at all but to note that for ordinary citizens, access was difficult, and we created the Ombudsman's office largely speaking to address the access to justice issue. We really had the very plain and simple view, by way of background, that justice delayed was justice denied, and we were concerned about that.

When I commenced, we did have a number of cases that were five years old. They had been in the office that long, and we really felt that for a jurisdiction that was meant to provide high quality resolution but also timely resolution, that was far too long. The average age of complaints, as you say, was really quite old. We had quite a backlog before a case would even be looked at. They would come into the office and they would sit there for up to three to four months before they were necessarily looked at. I make absolutely no criticism of my predecessor in doing that, because she herself had already moved the office on. But we did have a very clear view about what we wanted to do, and it was these things. Number one, we wanted to look at making sure that we had only one thing that would drive all we did, and that was the act—let us go back to the act and say exactly what did Parliament want us to do in terms of reviewing complaints that came to our office, so we are very clear about that. We put in a range of both management and other practical processes. I set precedent letters where they were appropriate to use. There was a range of appropriate delegations, perfectly provided for under the act, to ensure that we were not micromanaging staff inappropriately, and that we employ terrific people and allow those terrific people to do their work. As I say, it was not just one factor. It was a whole series of management decisions over a period of time, and we being ourselves always under review as well to see we could continuously improve.

We looked at colleagues overseas. We looked at colleagues nationally as well. That compliment I have to say has been returned to us multiple times. My colleague and friend the New Zealand Ombudsman spent about a week with me when he was first appointed to say, "Okay, what have you done? We'll take that back to New Zealand." We really wanted to put into place something which we thought would stand up as international best practice in terms of timeliness, but it was about the quality of the investigations as well. We sort of took the view that anyone could probably do things quickly, but it was about doing them quickly and well. That was the key. It was ensuring that we had a whole bunch of ways of being confident that they were being done as well, if not better, and in a much more timely and effective way. So those are the numbers that you have seen as the result.

What is absolutely critical as well is that it was a different time of the budget cycle when I started in 2007–08, so we also took the view that we wanted to, with the efficiencies that we got out of that complaint handing system—which as I say was at a slightly different budgetary time when it was not so much a question of we will take that and harvest all those savings back from you—we were, under the very kind grace of the then government, particularly under then Treasurer Eric Ripper, able to reinvest some of those moneys into our organisation. That is when we created our major own-motion investigations. That is a major systemic investigation component of our office, which has produced a very significant number of reports since then. All of those reports are in part about also reducing problems before they occur in the community, and therefore reducing demand, once again, for departments to resolve complaints and us to resolve complaints, especially that virtuous circle of reinvesting from handling complaints at this end to bringing that back to here. As I say, it was really a very significant multifaceted approach, with ideas I had brought from both private and

NGO sectors, and outstanding ideas brought my terrific deputy and my great corporate executive as well, and a fantastic management staff taking the lead in that vision every day. They still do that today and we are still seeing further improvements now. We are also not complacent about it. We start almost every corp ex meeting by saying, “Okay, what can we do next to improve it?” We are proud of that as an achievement. It is certainly considered to be national and international best practice in terms of how to achieve those things. But, as I say, it was not just one thing. It was really very significant. Most of those sorts of things are never one thing. It was a very large series of factors—management, cultural and practical—that got us to where we wanted to go to.

**The CHAIR:** Could you just explain to me: was there a change in the way you conducted the investigations; and, if there has not been a change, can you detail to the committee how you conduct those investigations? Are they largely desktop investigations?

**Mr FIELD:** Yes. It is an excellent question. We wanted to focus more on early resolution. We wanted to focus in on seeing if we can resolve complaints before they escalated further. So, early resolution methodology, which is very typical in this sort of dispute resolution area, was something that we brought to the table. In referring matters back to departments, we are always very mindful that we do not want to refer people back to where they have had a trauma or inappropriate experience. That is very important, particularly in areas like referring back to the Department of Communities. We have to be careful about referring back. But there are many times when referring back is the right thing, and it gives an agency another opportunity to reflect upon how they have handled the matter and to resolve it at that early stage. It is a combination of referring matters back and early resolution culture. Are they principally desktop? They will be a mix. It will depend on what stage the investigation is at. At the early stage of the investigation, there is a lot of desktop, but there will still be questions and interactions with the department, through to, say, a major investigation, which is probably every investigatory tool you could possibly imagine, including powers under standing royal commissions. It will vary depending on the nature of the investigation. But I think as a general rule you would say at the early stage of the investigatory and resolution process, they will be principally desktop. That is exactly right. But, as I say, we really do a fit-for-purpose investigation. We are looking for the correct answer. If desktop will give the correct, right and fair answer for all parties involved and if we are confident that that is the correct answer, then, yes, the desktop is fine. But sometimes you can never be confident with a desktop and you have to go significantly beyond that, and, as I say, we do that where it is necessary as well.

**The CHAIR:** Since 2007, the Ombudsman has reduced the cost of resolving complaints by 36 per cent.

**Mr FIELD:** Yes.

**The CHAIR:** Was that through these efficiencies in the investigation process?

**Mr FIELD:** Exactly correct. One of the virtues of making the processes more streamlined, and ensuring that we had appropriate use of precedents but also the appropriate use of standardised approaches to similar or same-fact scenarios was to dramatically increase the efficiency of what we are doing. That dramatic increase in efficiency was able to be reinvested in the organisation to a large part, and largely into that area of own-motion investigations. We use them in two ways. One is to look at some of the most difficult and tragic issues in the community—family and domestic violence, child deaths, and others—but also to look at systemic issues that might affect the reason why government systems may not be working as well as they should, the reason why departments are not administering the laws of Parliament as well as they should. They are exactly the same sorts of concerns the standing committee has—we share so much, or are common, in terms of our thinking. That was a very significant saving. I think in actual dollar terms as of today, it is about

\$2 million that it now costs us less to resolve the same number of complaints as it would have cost 10 years ago. I think that might be the number I mentioned to the Treasurer the last time I saw him. It is not an insignificant amount. I would say this, too. It points to the fact that we have a very strong view in our office, and that is that everything must be done to the quality required by Parliament, but we must do it at least cost to the taxpayer. We are spending other people's money, and we need to do so prudently. We return money to Treasury, to government and to taxpayers whenever we do not need to do a function. We did that recently with some funding that we were given for the Criminal Organisations Control Act, so we returned money in relation to that. We simply did not need to do the function to the extent that was originally envisaged, so we returned that money. I was told at the time there was not a form to return money but returned it nonetheless. It is, if you like, a big ethos for us that often when we have bright ideas in our corporate executive, I say, "Let's just go and run that down to someone in Forrest Place to see if they agree", because it is their pocket I will be taking the money from to do it. The thing is we really do have that as a significant thing. High quality, but less cost and, as I say, the 36 per cent reduction shows that you can provide high quality and indeed better quality services, but at less cost. It did not happen overnight either. I would say that was a five to seven-year process to get fully confident about that.

**The CHAIR:** Do you see that there may be other efficiencies that you can make in that process or do you feel you have pretty much got it down as best you can?

**Mr FIELD:** Look, I hate the idea of any head of any major department coming before you and saying, "Look, we are optimally efficient and you never find any efficiency dividends." The truth of the matter is, as of today, we are efficient. We certainly have the budgets appropriate to undertake our function. Could we find greater efficiency dividends? I think probably the major way we could find them now is scale and scope increase. We are 70 staff. Part of the reason why we were able to become more efficient as well is when I first started we were around 26 staff and now we are 70 staff. There is absolutely no question that even a change from 26 to 70 gives you scale and scope efficiency dividends you could never otherwise achieve. I am not suggesting for a moment we should be, but if we were 200 staff, we would certainly be able to be at a unit cost of resolution and unit cost of other work we do, slightly cheaper again. It will either take a fresh pair of eyes after me, or alternatively—I am pretty convinced we are about where we need to be in terms of cost per production of what we do.

**The CHAIR:** At page 22 of the annual report, it states that where recommendations have been made to improve practices or procedures, the percentage of recommendations accepted by agencies is 100 per cent.

**Mr FIELD:** Yes.

**The CHAIR:** When you say "accepted", do you mean "accepted" or do you mean "accepted and implemented"?

**Mr FIELD:** It is a really excellent question. There we mean accepted. During my term of Ombudsman, every recommendation made has been accepted by government. But that does not tell you to what extent they have been implemented. For that reason, both my own thinking about it, some questions I was asked a couple of years—year on year, by the then Leader of the Opposition, Hon Mark McGowan, also the then Shadow Treasurer, Hon Ben Wyatt, who were asking, I thought, very prudent, sensible questions. But these would have been questions also asked equally by now opposition members from time to time, then members of the government, about, "Look, that is great. Well done that they have all been accepted." Because it would probably be in some ways a disrespect to Parliament if one of their offices were having all their recommendations rejected or alternatively it is certainly a comment upon you that you are making light of very difficult

recommendations. Perhaps it is a comment upon departments. What about the implementation of those recommendations? We are doing a couple of things in that space.

As far as I am aware, I am the only Ombudsman in the world—I could be corrected on this—to the best of my knowledge, who has made a commitment to his or her Parliament that, each year after we table a major own motion investigation, no longer than 12 months later, we will table a full report about the implementation of those recommendations. I think that is a very significant step forward for us in saying, “Look, it is one thing to be accepted, but if they are worth making and they are worth accepting, and it goes to whether it is sincere or disingenuous to accept the recommendations as well, we want them to be implemented. Mindful too that we do an enormous amount of work on those recommendations. We think about them in terms of their costs and benefits, unintended consequences, implementation costs, ongoing costs. We think about them in terms of really deep thought has gone into them and so we really do think they are worthwhile accepting once made and we do think they are worth implementing. We have lots of evidence that when they are implemented, good outcomes occur in terms of public policy and public administration. There will be, 12 months after every single own motion investigation recommendation filed, a follow-up in terms of that. That is a fairly full report. We have done one already. That was in relation to our major investigation into how to prevent, reduce the crime of family and domestic violence. So, we have done one—54 recommendations. We have done a follow-up report on those 54 recommendations. We are doing one as we speak, Chair, in relation to our major report on the prevention and reduction of youth suicide, which is an area that has engaged the interests of parliamentary committees as well over the past few years—completely understandably, an utterly tragic issue. We will be doing a major follow-up piece of work in that area to what happened to our recommendations. We are working at the moment, as we speak, on a recommendation follow-up report for our major investigation tabled last year on the prevention and reduction of child deaths by drowning. We will table that report in November this year, exactly 12 months after we tabled the report on drowning. That is a strong commitment.

[1.20 pm]

Beyond the recommendations contained in our own motion investigations, we are also monitoring and reporting on implementation of recommendations that arise from citizen-initiated investigations and also our family and domestic violence reviews as well. I saw that as an area of weakness or, alternatively, further opportunity. Members of Parliament quite properly said to us, “That is something we would like to know about over a couple of years” and I thought that was an unbelievably sensible and reasonable question to ask of us, and we probably went further than others go. So you will find other ombudsmen from time to time do ad hoc reports. They might say, “Look, over the last five years what has happened to our recommendations?” That is not a criticism of any other Ombudsman. But we decided we wanted to go one step further and set a new benchmark. Perhaps my successor will not thank me for it, but the reality is we really thought Parliament was owed the full narrative cycle. Why did you choose it in the first place right through to what has happened and what good has it done in the community? Of course, it raises this sensible question, Chair: if the Ombudsman is not making positive change, why have an Ombudsman? It is also a way of keeping me to account as well. I am choosing these own motion investigations and we are making recommendations, but if after the implementation things are not any better, what is the value of my office? It is also about keeping us to account too.

**The CHAIR:** A couple of questions arise from that. The implementation review is only taken at 12 months after the report and you do not do any further —

**Mr FIELD:** No, we do further after that. I was quite ambiguous about that or absolutely unclear. We absolutely do—that is a first point in time. Then what we will do is we will continue to follow-up, particularly where there is any concern after that first 12 months, that there is any sense of there being tardiness or a lack of full commitment to implementing something, we will absolutely continue down that path. We will report that in our annual reports. So, it is no question. It is just a once-in-time review. Remember too, some of the things we are talking about now—the Ombudsman has changed since Sweden 200 years ago, and particularly in the last 10 years in this state. We are not talking about whether a Stop sign was turned around the wrong way or something in the street. We are talking about children dying 10, 12 by suicide. We are talking about the most appalling crime against women in family violence. We are talking about some of the most significant issues in the community which affect communities deeply. I want the Parliament and all those citizens affected to actually make sure that the implementation is very transparent and you can actually see the progress. We share that progress with our NGOs and other stakeholders too. They are interested in the report. They are interested in the acceptance of the report, but they are also very interested in the implementation of the report as well. So, as I say, we feel we have that, if you like, good faith contract with citizens and particularly stakeholders of the Ombudsman office with all the different functions we now have, to be able to tell them what is happening too.

**The CHAIR:** In relation to making an assessment on implementation, do you make your own independent assessment as to whether the recommendation has been implemented or do you base that assessment on what the agency tells you?

**Mr FIELD:** I will answer that in two parts. There is a framework provided under the act in relation to the implementation. Parliament saw fit to give a framework to that. It is about what steps have been taken, whether they are reasonable, whether they are within an appropriate time, just to paraphrase. The Parliament said, “Look, here is a framework for how you determine reasonable steps and whether you report back to the Premier and the Parliament.” To answer, though, specifically your question, no. We would not take that just on what the department would say. We will undertake audits of that work. We will go and then do our own desktop work. We will actually go into the department, take relevant materials. It is done in a way—we do not march in there unannounced. That is generally not necessary. The departments are usually very, very positive and working with us, but yes, it would be very unusual for us to take a view that someone said that that is what it is and for us to do no testing of that question at all.

We have multiple ways of testing. We are testing because we are seeing other complaints and things coming in as well, which tends to suggest possibly that what they are saying is not absolutely correct, or we will test that by sending my staff in to test the materials; we will go back and ask further questions. Once again, we look at partly what they say, partly how that sits in with evidence we have from other parties. We will listen to NGOs as well and other stakeholders, but I would say as a general rule just what we are told would never be the final story on anything. It is not to say that we are mistrusting. It is not to say that we are actively misled. I do not believe we have ever been actively misled, but people would expect of us that we interrogate data and details to a reasonable degree. We have the powers of a standing royal commission and they are there for a reason. Generally speaking, it all gets to confidence. I want to be confident when I table something in Parliament and I do a presentation, as we always do, we have many members there, depending on the report, I want to be confident that what I am saying to them is based on rigorous evidence-based data.

**The CHAIR:** Do you have a policy manual for staff in terms of how to deal with a complaint so that they can distinguish whether this should be a desktop complaint or a more thorough investigation process and the steps that they need to undertake?

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**Mr FIELD:** We are constantly evolving those things. First and foremost, we have a really good policy manual called the Parliamentary Commissioner Act. That is first and foremost number one the one I never want anyone to forget, because you can have that situation in which people have a policy manual, but they forget, “Hang on; the legislation is what we need to do.” So, the legislation is first and foremost there. We have a very significant induction and ongoing training program as well that takes people through a range of the things that we do in terms of resolving complaints. There is a very strong process that guides own motion investigations and there is also a very strong process that guides how we undertake investigations as well, led by some pretty senior and experienced managers as well who both mentor and guide the staff. Although we do not micromanage staff—our delegations are not so unbelievably deep that a range of critical decisions does not need management sign-off. It is not like when I worked in a commercial law firm—I will not name them; actually it was a terrific mentoring for me, Chair—but there you could not send out a fax cover sheet without a partner signing off on it. We are not that, but at the same time we also do not allow significant decisions about significant discretions to be exercised under the act generally until that it has gone up to at least assistant Ombudsman level as well, and that is part of our quality control process.

**The CHAIR:** The early resolution process that you use, could you just explain a little bit more about how that works?

**Mr FIELD:** Lest I speak the whole time, which is going to annoy the committee as well, I will hand over to my exceptionally capable deputy, who, can I say for the record, has played an incredibly important role in all those achievements.

**Mrs WHITE:** Our early resolution process involves a more informal approach where we will make telephone contact with the agency, get on to the appropriate person to be dealing with it. We have arrangements with agencies about who they might be, for example, the superintendent of a prison. We will talk to them about the nature of the complaint and ask them to provide us with documents already in their possession. We do not ask for a formal report. We ask for the documents that they may have, the policy documents that may be relevant, and we ask them to send them to us. We have some examination of that and we are looking to see: is it lawful, is it fair and is it reasonable? If they are basing it on a policy, is that policy fair and reasonable and lawful?

Then, if there seems to be something that could have been done better by the agency—usually the agency will acknowledge that in the course of our conversations with them, if they think there is something they could have done a bit better—we will talk to them about what might they be considering in terms of resolving it? That is in two ways. Are they going to provide something to provide a remedy for the complainant if they have had some adverse impact? Are they going to do anything to change their administrative procedures going forward so that they will not have a reoccurrence of that?

If we can achieve that through that informal process, there is not the need for a very detailed investigation that will involve formal recommendations. So we get that resolution and we will work that through. We always go back to check that the agreed actions actually do occur as part of that implementation process and that we will see the copy of the changed document, the changed website—whatever it is they have agreed to do—and we will get information from the complainant about whether they have received a letter of apology, whatever the case might be or a payment of an amount or a refund of fees, those sorts of things. That is our general informal process. They are normally done within three months, often within about two months. So they get a very rapid turnaround for the complainant to get a remedy for the problem that they are facing.

[1.30 pm]

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**Mr FIELD:** Sometimes, Chair, in terms of that early resolution process, it can work on the same day. We have had experiences, for example, where we travel extensively in regional Western Australia. I know Mary and staff have been in a regional location, a complaint has come in in the morning with a concern and through our early resolution process, by that evening, the matter has been resolved. Often people are looking for some very simple thing that needs to be done to resolve their dispute and by us being able to escalate that matter within the agency, we can get that resolution. Then there are ways, not following through till it has been done but mindful of revealing any systemic issues. The negative about early resolution can be this—two negatives: one, you either miss things you really should be investigating so we have a range of mechanisms to make sure that does not happen; and the second will be that you miss a systemic change. There is a trend here or a problem here, so we are always mindful of looking for, “Okay, we’ve heard this now five times in the past two weeks.” They are resolved; that is great for the complainant, but is there a trend or an issue here? Usually, early resolution, which is now widely adopted by this role around the world, both parliamentary ombudsman and industry ombudsman, and is seen as very much within the roots of alternative dispute resolution, you know, early 70s development. But it can have some issues you have to manage and be mindful of those potential risks for it to be successful.

**The CHAIR:** Moving on to page 32, there is a graph on page 32 which shows the different jurisdictions that most of the complaints have been received from. I note that 70 per cent of all complaints are received from public authorities in 2016–17. Is that fairly standard?

**Mr FIELD:** Yes. It will vary from year to year, although my deputy is pointing out a table on the next page, which gives 77, 74, 69, 71, 69, but the truth of the matter is, for the entire time I have been there, it is a fairly similar graph, universities being the smallest, then local government and then the public sector. I think it is what you would probably expect to see for most ombudsmen with that sort of jurisdiction. Not all of us will have the same jurisdiction, of course, but it will vary between that sort of 70 to 75 per cent for the public sector.

**The CHAIR:** Do you record a breakdown of which agencies the complaints are received against?

**Mr FIELD:** Yes, absolutely, in a couple of ways, Chair. We make sure we do that graphically. It is not an unsurprising sort of breakdown. It would be very similar to most state and territory ombudsmen, obviously a difference at the commonwealth level. Corrective Services are there, police are there, Transport, Child Protection, Housing, Education—that does not include the universities. But I think probably the entire time I have done the role, that has been a very similar number. In most states Corrective Services; Departments of Justice are usually right up there; police are. Police in other states—it depends on whether there is a standing corruption commission as to where police are in those numbers. We do administrative issues for the police, but, of course, all misconduct, anti-corruption matters, serious misconduct is with the CCC; public housing is usually always up there, as is Transport, Child Protection, I think, unsurprisingly, and also Education as well. We then separately, in the appendix to the annual report, make sure that we do, by agency, all the councils are all down there in terms of the number of complaints. We want to be really transparent about where they are coming from and what issues are being raised and how they are being resolved.

**The CHAIR:** Would you be able to tell the committee how many complaints were received about WorkSafe WA in the 2016–17 financial year?

**Mr FIELD:** I am very hopeful we may be able to very, very shortly.

It has been listed in Commerce because it was, of course, part of the Department of Commerce. I do not know the number. Two things arise out of that. I do not know the number to tell you right now. It would have been otherwise and it is the case for a number of the agencies there may still be some that are incorporated into larger agencies. Two things: if this is something Parliament wants

reported, we will do so and we can add that as a separate item going forward. Second of all in relation to the number, I would be delighted to take that on notice and provide the exact number to you.

**The CHAIR:** If you could, we will make that question on notice 1. Would you be able to provide that information in relation to the last financial year or could you go back?

**Mr FIELD:** I will do it for as many years as I can possibly find.

**The CHAIR:** If you could go back for five years, that would be appreciated if it does not place too big a burden.

**Mr FIELD:** No; it will not place a burden on us at all. It should be easy to find because, although it would have been captured for one purpose on our database case management system under Commerce, under its head agency, it still should be captured by WorkSafe as well, so we should have no difficulties in doing that. There certainly would be no intent about not putting it in there. We will make a note of two things: one, we will put it in there for all future annual reports, now this has been raised; and, two, we will not only give you the five years but if there is any explanation about any deficiency in the data for any reason, we will explain why that is, but I do not think there will be. I think we will be able to give you very comfortably, five years.

**The CHAIR:** Thank very much for that.

I note about 15 per cent of the complaints you received in 2016–17 related to the police. You mentioned earlier that it would be in relation to administrative matters. Any complaints received against the police internal investigation unit and about the way they conducted an investigation, or the outcome of the investigation conducted by police internals, would that be referred to you or would that go to the CCC?

**Mr FIELD:** It would generally be the CCC. The default position in this state would generally be police, CCC for external review of their actions. We have a couple of things listed down there on page 37—officer conduct, complaints management, investigations, prosecutions, traffic matters, attitude, demeanour, searching, custody, handling of property records and information. The demarcation is not exclusive because the demarcation between maladministration, conduct, serious misconduct, you also have now, of course, the Public Sector Commission as well, which has that minor misconduct role, which, of course, the committee would well know. There is a serious misconduct, minor misconduct, maladministration. We do all of that. Those three agencies or the three agencies I referred to, myself, the PSC, CCC obviously within the remit of our legislation work together in a very sensible way to ensure there is any transfer as it ought to be to a complaint that is otherwise misdirected. Generally speaking, we are on the maladministration end of all police complaints, not on the conduct end, but it would depend once again. The CCC may review something and say, “Actually this is much more properly a question for the Ombudsman”, and could send it through to us, and that does happen.

**The CHAIR:** Would you be able to tell the committee whether there are any maladministration matters you have handled in relation to the police internal investigation unit?

**Mr FIELD:** Can we take that on notice?

**The CHAIR:** Yes.

**The CHAIR:** That is question on notice 2.

**Mr FIELD:** Absolutely. I cannot think of one immediately, but that is not to say there has not been, and there could well have been. It certainly would not surprise me if there has been either directly

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or because they directed the complaint to us in the first instance or, alternatively, someone referred it to us, so we will take a note of that and look at everything for the past five years?

**The CHAIR:** Yes, that would be terrific, thank you.

**Mr FIELD:** We will go back the last five years and see whether we can find any examples whether a citizen has come to us directly, the police have referred to us potentially, or, alternatively, another agency, most probably the CCC, but also PSC has referred to us, so we will search under those three categories.

**The CHAIR:** I would not think you would get any from the Public Sector Commission because the CCC has the sole exclusion in relation to those.

**Mr FIELD:** Yes; unlikely. I totally agree.

**The CHAIR:** Looking at page 53, and the number of child death notifications and review. I note that the total number of child death notifications received from 2009–10 to 2016–17 seemed to have remained consistent. I think the committee would need to ask if you can express a view as to why the numbers have not reduced, despite the number of investigations that have been held and reviews that have been held into this really important area.

[1.40 pm]

**Mr FIELD:** I think it is an incredibly appropriate question. As the Chair knows, we have undertaken this function only since 2009–10—that is the reviews of individual child deaths notified to my office. We have also undertaken a number of major thematic child death investigations into prevention or reduction of drownings, youth suicide, looking at the administration of the CCS act, for example. We have done all those investigations as well. Of course, those numbers are not adjusted by population, but that would not be a significant factor I do not think in the numbers. We are looking in part upon that which has been notified. We are also looking in part upon that which was reviewable and investigable as well. That is an important factor in that, of course.

**The CHAIR:** That in fact has doubled.

**Mr FIELD:** That is exactly right.

**The CHAIR:** In fact, it has more than doubled between 2013–14 and 2016–17.

**Mr FIELD:** Absolutely right, and that is important too. In part, I think the projections for these year's numbers are substantially less in that area too. There was an initial prediction from our numbers that it could be the lowest number ever received since we undertook the function but certainly, once again, it is too early to say that. I hope there is not a single notification for the remainder of this financial year or, indeed, ever. But I am of the view that the trend analysis there is such that we are probably two to three to four years further down the track yet to see where this will go. But what is interesting is I have been monitoring these and asking for constant updates, but the movement this year will be down. That is not a trend either but I think it still might be a little early. On that—it is important for the committee to know—I propose to do a 10-year report to Parliament. In that 10-year report to Parliament—that is since holding the jurisdiction—I want to do the same with family and domestic violence area as well. We started that function a little later, but I want to look back. We have to ask serious questions about —

This is the interesting thing, Chair. We are told by national and international colleagues that this is the best practice way of doing this work. The support the Parliament has given us, the resourcing, the staffing. I have exceptional staff working on this, 50 or 60 pages of reporting, those major investigations some of those in our sight are international best practices of work. We know they have been accepted. We know they have been implemented. When will we start to see a really

substantial change in those numbers? Surely, that is the whole purpose of doing the process. People will say there is a whole range of other reasons why you do it; it is transparency and accountability. It brings out a whole raft of data, used by a whole raft of other agencies to drive their work as well. That is true. Academics use it extensively but, surely, the very end game has got to be to reduce the number of child deaths in this state. If I have to go to silent marches in 10 years' time and still see that many coffins of women killed in acts of appalling violence and, indeed, children, then surely something is not working with what we are doing. So I think we have to be really open, Chair, to be very highly reflective upon the work. Are there better and different ways we can do it? I am proposing at the end of that 10-year period that I do a full report to Parliament. It will be a report we do partly ourselves; it will also be a report where I ask external consultants to ask of us what we can do better and we will do consultation with NGOs and other organisations. We will speak to other parliamentarians at that time.

[1.45 pm]

A number of parliamentarians have shown significant interest in these jurisdictions over the years—Hon Sue Ellery, yourself, others—and I want to see what more we can do to make sure that we are making the difference that we ought to be making. It is not a huge amount of money in the overall scheme of things that we are spending, but it has to be money that is delivering a longer term result. So I feel the same way you do. I would have been hopeful, given the subject matter, that these numbers would be slightly better, but I am hopeful—partly out of just hearing where we are going this year—that for the first year we will see a reversal of that trend. If that can be a longer term trend, then we can start to get a little bit more confidence about the process. So I am confident it is being done well; what I am not confident about at this stage is it getting the outcome we all would have wanted to happen at the start of the process, and that is my only concern.

**The CHAIR:** At page 66 the report reports on Aboriginal children infant deaths, and we have this startling figure of 64 per cent of investigable deaths and 30 per cent of non-investigable deaths were Aboriginal children, compared with the fact that Aboriginal children make up only six per cent of the child population. Clearly, there is an over-representation in those statistics of Aboriginal children.

**Mr FIELD:** Yes.

**The CHAIR:** Again, is the work that we are doing making a difference? Is there something that we should be doing that we are not doing?

**Mr FIELD:** Yes, honourable member, I cannot agree more. The over-representation in both this area and also in the area of family and domestic violence is there; over-representation in the criminal justice system is obviously there as well. I will just talk in the first instance from an office perspective. We, when I first started, commenced a major regional outreach program. We had under-representation in my office of regional Western Australians—both those living and working regionally— and also Aboriginal Western Australians in terms of use of my office. We have been able to correct that through this very major program that we undertake to visit regional Australia, remote Australia, remote communities, Aboriginal communities and others. Second, we took a very deliberate decision that our actual staffing and sensibility and culture itself as an organisation had to be the very best practice that it could, by the employment of senior Aboriginal staff members. We have recruited two exceptional staff members into my office who not only do a very large amount of outreach to the community, but also the most senior directly reports to me to ensure that what we are actually doing is working with, listening to and working for Aboriginal communities, as opposed to what they have been sadly so used to in the past, which is people doing to them as opposed to listening and working with them. So, as I say, there is much to be ashamed of in our

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past, but there is much to be optimistic about in our future, and I think there is much we can do that we are very positive about.

In relation to these particular jurisdictions, we have put a very strong focus on Aboriginal Western Australians in all of our major reporting. In all the reports we have undertaken—our major own-motion investigations—there has been very specific and significant focus on Aboriginal Western Australians both during the consultative phases, but also in terms of considering them and their recommendations made to them coming from specific recommendations, as there was, for example, in our major report on family and domestic violence, where Aboriginal family violence was a particular area of focus and recommendations arising therefrom. Another report, most recently, our report to the Minister for Police, then tabled in Parliament on Criminal Code infringement—that is, on-the-spot fines—had a very significant examination in that particular space of the impact upon Aboriginal Western Australians; in fact, a whole range of vulnerable Western Australians, homeless Western Australians and others, as over-represented in the criminal justice system, generally, but also in that on-the-spot fine area. In that particular area, one of the recommendations I made in that report—it was a large focus in my foreword—is that the CCIN process actually had been very cost beneficial to government and it actually saved lots of money, and that money could actually be potentially redirected into things like the criminal justice system. I understand that those matters may well be being considered by the government now as part of some of their announced initiatives. So once again that policy work is hopefully turning into some practical, positive things.

More generally, what should we be doing? It is obviously not just the Ombudsman's office who is involved in this work, but I do subscribe to Deane J's—without wanting to be in any way controversial about it—comments in *Mabo* that we have had a history of unutterable shame and we do need to do much more in the future, particularly in working with and listening to Aboriginal communities, which involves enormous coordination, and federal, state and local governments working with communities. I do think much is happening in this state and much of it is positive, but I do think there is more that needs to be done. Certainly our office, as much as possible sees, both in drawing attention to these sorts of over-representations but also hopefully proposing solutions, like our solution in the CCIN report for further investment in justice diversion and additional other matters, it being part of a solution as well.

**The CHAIR:** I might just move along to page 73 of the report, which deals with the breakdown of suicide by young people. Again we see males, Aboriginal young people and young people living in regional and remote locations as being over-represented in these suicide deaths, compared to the overall child population. You indicate that a report on the implementation of recommendations from your report—your more detailed report on suicides—is going to be tabled in Parliament in 2017–18.

**Mr FIELD:** Correct.

**The CHAIR:** Has that been tabled yet ?

**Mr FIELD:** Not yet. I can tell you it has substantially progressed. Look, I will not even be trite to sort of say this is tragic. It is really hard to imagine a more difficult area for any community that a young person would wish to take their own life, and indeed actually tragically in Western Australia that age has also gone even younger as well where that has been occurring. So we are very deeply committed to continuing to work on that space. It continues to still be a significant cohort of those reviews that we undertake in the office. On that piece of work that we are doing, following on from some excellent work done by one of the Parliament's committees which referred to our work, we are working very closely as we speak. In the office, my executive team, led by my assistant on this with myself, has also been working pretty extensively with a range of agencies to analyse the subject

of recommendations in that report, checking, double-checking where they are at. We will be tabling that report within that time frame. Yes, I think it will be a very helpful report for Parliament to continue to guide its thinking about both legislative priorities, funding priorities and other matters that will be very germane to a range of departments—Health, the Mental Health Commission, Communities, the consideration of, say, an Aboriginal Affairs commission and the development of those sorts of departments as well going into the future, and the focus we would expect them to have on that work.

My view is that that is an area that can be absolutely improved in the community. I am very strongly of that view. It goes to much earlier intervention in mental health—a whole raft of reasons. This is something that very, very tragically affected a friend of my own daughter, and that was really but for, I think, an appropriate mental health intervention potentially. The reality is that there is so much more we can do. We are an incredibly wealthy state. It is very much similar to a project we have just started—not similar in terms of the issue, but similar once again in terms of an issue which I think we ought not have in our state, and that is homelessness. We will be doing a large amount of work over the next 12 months as well.

I am a very proud Western Australian. I love the infrastructure in the city, I love everything we have built, but the truth of the matter, in a non-partisan way of course, is that I also cannot understand that at the bottom of some of that most shiny infrastructure, there are people sleeping rough every night. So these are the areas that the most vulnerable people in the community find themselves in these incredibly vulnerable positions. We have to do more; we have to do better, and our office has to play its part in that.

**The CHAIR:** Can I just say that I look forward to you tabling your report on the implementation of the recommendations into suicide by young people, and maybe we will leave the rest of my questions until after you have tabled that report because I think it will be interesting to see what you have actually discovered in terms of that implementation. It was a very good report. I just might put on the record that it was an excellent report.

**Mr FIELD:** Thank you, Chair. Can I simply say on that, too, you will have a very busy schedule over the next couple of years, but I will always appear before you at any time with no notice to report on any of these matters. I would always be happy to come back and give a briefing. We will give a briefing when I table the report in Parliament. And I am always available, in a totally bipartisan way to meet with any member of Parliament. So if any particular member had—and I know you, honourable member, have—that interest, then I would always be happy to give a personal briefing, too.

**The CHAIR:** I thank you for that, and I also note on the record that I am really pleased to hear that you are going to be doing a bit of in-depth analysis on the homelessness situation in this state because that is also getting progressively worse and it seems that the level of funding is never sufficient to actually get to the bottom of the problem.

**Mr FIELD:** Agreed, Chair.

**The CHAIR:** So we will look forward to that report as well.

**Mr FIELD:** Thank you.

**The CHAIR:** Now, at page 77 you refer to the implementation of 23 recommendations about the ways to prevent or reduce sleep-related infant deaths, and the fact that your office is continually monitoring the implementation of those recommendations. Are you able to tell us anything about the implementation of those recommendations and how that is going? I know it is a big question to ask.

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**Mr FIELD:** Yes.

**The CHAIR:** So I appreciate if you feel that you cannot, or if you are in the process of preparing an implementation report, you may not want to.

**Mr FIELD:** No, I am absolutely delighted to do so. I think probably I will almost do a disservice to giving too much info, as I said, because we have prepared that matter continuously for our tabled annual report, so it will certainly be in the annual report this year for the work.

Certainly, the team is telling me that there is a reasonably—we are very confident about the progress of most of those matters. Now, we do get a chance to monitor implementation of those matters through doing individual child death reviews. So that is one of the great advantages of both being able to do the reviews of individual deaths, but also to do these systemic investigations. So we get this constant reminder in practice—it is a terrible way to get the reminder—about what is going right and what is going wrong. What I can say is this: I think the major thematic that comes out of our recommendations in this space is not that they have not been wholly and well received, and there has been a clear change to policies—the various things that we have recommended have been done or very significant work has been undertaken—we still sometimes in practice, though, workers on the ground not necessarily actually always implementing those protocols. So, there will be the protocol there that is very consistent with our report, but it is not necessarily undertaken, particularly because you have a range of agencies involved in those protocols. It will not just always be Communities; it will be Health as well, through hospitals. I am very loath to ever criticise our incredibly hardworking people doing incredibly difficult jobs on a day-to-day basis, but sometimes in all that is being done and much that they are attempting to include in immediate health issues, we see that not all the protocols are followed in terms of the correct advice about correct sleep aids and the correct advice about did these parents actually get the advice to take home with them: “Oh, we thought someone else had done it.”

So that goes along with one of our other big thematics, and that is interagency collaboration. If I was going to write a reflection on 10 years as Ombudsman, probably number one would be interagency collaboration and the idea of agencies working together in a whole-of-government way or an interagency way to resolve problems. Much of that is about communication: “Oh, you have already done that.” You have to ask questions: “Have you given that information yet?” Sometimes it is assumed: “That would have been your job; you gave the information.” Parents may go home without that information. So I think most of the recommendations we have been making—they will all be publicly reported in the annual report, and they are probably in this annual report, too, if I flick through them—in that safe sleeping space now are not about the fact that they have not implemented recommendations and they have not actually put into place the right protocols, it is just that they did not necessarily follow that protocol in that particular instance.

That does not always mean the child would not have died, of course. Tragically, that may have occurred anyway but the reality is I think that would be the major implementation issue. We will give further reportage on that in this year’s annual report. I think it would be a good idea for us to take a note back: what we might do here, which is probably a good idea for us generally in the child death review section, because we talk about the recommendations and we talk about them in terms of a fairly large page now where we list all our recommendations —

[2.00 pm]

**The CHAIR:** Yes; pages 83 to 86.

**Mr FIELD:** Yes, that is exactly right. But what we might actually do is see if we can draw that slightly back to the thematic sections to say, “What we’ve seen is, these are the recommendations that

were germane to child death in terms of sleep-related deaths.” My guess would be, if I was writing it right now, that most of them that would be germane—because I personally settle and sign every single child death and family and domestic violence review that leaves my office, so I would have a very detailed understanding of them—would be principally around that the information is there, there are protocols, we did not particularly follow them on that occasion.

**The CHAIR:** We often hear that privacy issues prevent government agencies exchanging information. To what extent does that continue to be a problem?

**Mr FIELD:** It is an issue, Chair, and it can happen in two ways. Sometimes people will say to us, “We can’t give you something for privacy reasons as part of investigation.” That usually does not last very long, with the greatest respect to our humble way of doing things. Then there is the issue of we did not share the information because we thought it was private. That, I think, is an issue for Parliament to grapple with going forward. I would never be so bold, but on this occasion I —

**The CHAIR:** No, please; I invite you to be so bold.

**Mr FIELD:** In that case, given the invitation, I will be that bold. There are, of course, fundamental public policy issues to balance in terms of privacy and there are fundamentally good reasons to having a commitment to privacy but those commitments to privacy cannot be an impediment to good public policy and good public administration, particularly when it deals with these sorts of issues. So striking that balance should only be, in my view, the purview of Parliament. It should not be the purview of non-elected officers like me. I am here to make sure that the public policy balance you strike is then administered properly. I am not here to strike that balance. In terms of it being done, I do think it would be a prudent matter for Parliament at some point to consider further because I do think both our agency and potentially others—but I only speak from my own—from time to time do come up against, “Oh, we didn’t share that information.” They will give it to us and we will look at it all and say, “Why didn’t you give that to them?” They will say, “We were concerned that that was a breach of privacy and we shouldn’t have shared that information.” You think to yourself, “But for it not being shared, these issues may have been, if not resolved, may have triggered another”—a lot of the things you are not sure of. There are missed opportunities and cumulatively, you are never sure how many of those missed opportunities may have saved the most tragic ultimate outcome, but it seems to me you do not want to be guessing about those things. You want to remove every one of those missed opportunities as much as you can and privacy, I think from time to time, can be one of those. So I think it is something—I say this with the ultimate respect, because it is not my position ever; I just serve Parliament, not the other way around—that Parliament might want to consider at some point in the future.

**The CHAIR:** Do you think that the MOG changes that are being made currently are going to help address those privacy issues or, until we make legislative change, are they still going to be ingrained?

**Mr FIELD:** Insofar as MOG potentially has some contestability about it, that is, any political contestability, I probably would not, as hopefully the most bipartisan officer in the state, make much comment about that. What I would simply say is this: year after year after year, the Ombudsman has recognised, through all of its reporting, including in the forewords to my annual report, that one of the critical challenges to better government, better governance, better public administration and better policy development is the interaction of government agencies—removing silos, having government work better together. That is the effectiveness side. There also hopefully ought to be an efficiency side to that as well. Of course, that efficiency is either money you can return to taxpayers or money you can spend on other things. It is an opportunity cost one way or the other; to either return to taxpayers or spend on other things that are valued by taxpayers. So efficiency is a good thing and effectiveness is a good thing. We have said that consistently. I was originally



appointed by a Labor government and I was saying it then. I was twice reappointed by a Liberal government, and I was saying it all through then. I am saying it again now. My personal view—my personal hope—is, and I hope I have expressed to the current government, to whom I make recommendations, that I would be very optimistic that the machinery-of-government changes could go a way to addressing the issues we have had in interagency, in removing the silos, a more efficient and effective transfer of data between them and some of those sort of privacy concerns. I would be very hopeful of that and I would be very optimistic. I would like to be very optimistic about that. I am very hopeful about that. Am I broadly supportive, in an as-principal sense, of removing a way for a more diffuse government to a government that hopefully has a greater connectivity, a greater cooperation? I am unashamedly for that.

**The CHAIR:** I might now turn to page 86. At the top of that page, it states that you will table a report in Parliament in 2018–19 on the steps taken to give effect to the 31 recommendations made about ways to prevent or reduce child deaths in 2016–17. Have you started that work yet?

**Mr FIELD:** Yes, we have. There is, in fact actually a draft on my desk.

**The CHAIR:** Okay; that is pretty efficient, seeing that the time line was 2018–19.

**Mr FIELD:** Yes; a big folder! It is a preliminary work then, as you would hope, we try to have a good narrative journey of that work so we start and we continue to work it through. So it is very much a collection of initial materials. What I can say is that is part of that ongoing commitment I gave to Parliament that we would not just follow up on recommendations arising from our own motion investigations; we would follow up on investigations arising from all of our work—individual child deaths, individual family and domestic violence fatality reviews and also any recommendations arising out of citizen-based complaints as well. It was a bit of a watershed moment for me. You hopefully have most of the good ideas yourself; that is what you are being paid to do. You are being paid generously by the taxpayer, so you should be coming up with most of these ideas yourself but, from time to time, you get terrific ideas from other very sensible people. The then shadow Treasurer and then Leader of the Opposition raised that issue and when I got back to my office, I thought, “That’s a terrific idea; of course we should be doing that.” So that was the genesis of it and that is now ingrained in our model.

**The CHAIR:** I am going to turn to page 98 and I do apologise for skipping through this at quite a pace —

**Mr FIELD:** No, that is fine.

**The CHAIR:** — but we have limited time.

**Mr FIELD:** Yes, of course.

**The CHAIR:** I was stunned to see that between July 2012 and 30 June 2017, nine per cent of people who died from family and domestic violence were aged over 80. That is eight people who died from family and domestic violence aged 80 and over in a five-year period. I am surprised by that statistic and that the people are so old. Can you enlighten us for that in any way?

**Mr FIELD:** I do not know that there is much I can probably say today about that that would further enlighten the situation. It is probably not what you would absolutely immediately expect. It certainly would not be what I immediately expected. I saw the jurisdiction as a crime of violence against women and I would expect the cohort age range to be slightly different to that. I completely agree but what we might do for you, Chair, is I am very happy, without identifying any individuals—you are not asking for that, of course —

**The CHAIR:** No.

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**Mr FIELD:** We will see if we can dig out a bit more information there to provide you a response. Then you can come back to us too, of course, if you wish to. I do not know that there is anything particularly that stands out amongst that, but you are making the broader point that the actual existence of it itself is a surprise. I think we can absolutely dig into that a bit further.

**The CHAIR:** We will take that as question on notice 3.

Looking at those same figures, I note that 25 per cent of the people who died from family and domestic violence were aged between 30 and 39. Is that fairly consistent?

**Mr FIELD:** Yes, and you will find that the mid-range of numbers is, from my understanding, pretty consistent with the national and international statistics of where they are too. There are some really excellent national statistics being collected now too and we are a part of that group that, in a de-identified way, shares those with both coronial officers and other review jurisdictions. There is a very strong relationship between that group, all invested in getting the best possible data and understanding of these issues. Once again, if you also like, we will take—I know your Hansard will help us with this—a note to check the exact comparability of that with some national and international numbers. We can provide that as additional information for you.

**The CHAIR:** That would be great, and also if they are mainly women that fall within that category.

**Mr FIELD:** They will be mainly women, most assuredly. That is not to say that men are not victims of family and domestic violence, although of course, in some cases, those are men who have historically perpetrated very significant violence against their partner. But there are men, of course, represented in those figures. We will certainly give you the breakdown by gender as well.

**The CHAIR:** We will take that as question on notice 4.

**Mr FIELD:** Delighted to do that.

**The CHAIR:** Still looking at the same statistics, 36 per cent of the people who died of family and domestic violence were Aboriginal, yet they represent only 3.3 per cent of the population. Again, that is a staggering figure as well. Did you want to expand on that at all?

**Mr FIELD:** It is a staggering and tragic over-representation, Chair, as you quite correctly say. It is an issue that is both generational and of its time. I think we have a very significant amount we are doing in our office; my principal Aboriginal policy officer is working on these issues with me. We continue to look at ways that we can make meaningful and sensible recommendations to government about paying specific focus on the reduction of Aboriginal family violence in the community. Once again, this will hopefully be that strong partnership between levels of government and the Aboriginal communities themselves. But, yes, it is a significant over-representation and one where, as much as possible, both by highlighting it and also focusing investigative work in my office and recommendations in my office, we are hoping to make a positive contribution to reducing that over-representation. It speaks to significant harm in Aboriginal communities, which no Aboriginal Australian would want.

**The CHAIR:** Again looking at those same figures, we see that people living in regional areas are also over-represented in the numbers of people who have died from family and domestic violence. Are you able to make any assessment about the level of service provision in regional and remote areas as compared to those figures? Is there a correlation?

**Mr FIELD:** Yes, it is a really interesting question. There are clearly challenges. When you have such an extraordinary geographically vast state, I think there clearly are challenges. I am not talking about Aboriginal communities here specifically; I am just talking about any communities, not just the major communities, but also, of course, all of those communities that are rural and significantly remote.

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There can be, I think, some challenges, both for the recruitment of staff, retention of staff in those areas and some loss of knowledge that can come with that. I think that it is inevitable when you are talking about those sorts of areas, there will be some challenges with service provision. Having said that, I am certainly aware that there are, both under the former government and the current government, a number of programs directed to these areas. If we are talking about areas of family and domestic violence, I have met on several occasions with the current minister for family violence, who I think is—I say this in an utterly bipartisan way—utterly committed to dealing with these issues. I am hoping the policy settings of government, aided by reviews and investigations by officers like the Auditor General and myself—governments listen to those very carefully and I am hopeful that we can make recommendations to assist.

[2.15 pm]

We are in constrained budget times and constrained fiscal times, but not everything is about spending more money; often it is about spending it differently and more wisely. A lot of my report is focusing on—in fact, I am yet to produce a report that says “spend more money”; usually it is about spending it differently. I am confident that there are still new initiatives—some that are being trialled at the moment; some that have been tried—that once again, create real improvements in regional and remote Western Australia.

**The CHAIR:** Can I now take you to the bottom of page 109, the last paragraph. It states —

In the report, the Ombudsman made two recommendations (Recommendations 7 and 39) that WAPOL and DCPFS ensure all reported family and domestic violence is correctly identified and recorded. *A report on giving effect to the recommendations arising from the Investigation into issues associated with violence restraining orders and their relationship with family and domestic violence fatalities, November 2016*, identified that WAPOL and DOFFS had proposed steps to be taken to give effect to these recommendations. The Office will continue to monitor, and report on, the steps being taken to implement these recommendations.

Are you able to enlighten the committee on those steps that have been taken?

**Mr FIELD:** Thank you so much, chair. We will include some more information about that in the annual report. That goes very much to that question you raised really earlier on, which is around that idea of the implementation, and that picks up on that structure that Parliament gave us for taking reasonable steps and steps that are proposed to be taken. Where reasonable steps have been taken, we are still interested in the outcomes; but it is where steps are being proposed to be taken that are sufficient under the legislation, to report that to Parliament. But, of course, for our purposes, we want to follow through in terms of what is proposed to be taken. That is an area that has actually improved, I think there is no doubt, since we commenced our work, because there has been a lot of highlighting in our work to do that, to both Police and Communities—and Police have shown a very strong engagement in that space; that is, to listen very carefully. I think that is going to be continued by the current commissioner, but there is still some work to do in that space, I think, and we will do a little more reporting about that in our annual report. We are happy to take that—we will certainly commit to saying that is in the annual report as well.

**The CHAIR:** I think that is fine. Moving to page 124, it is stated that you will table a report in Parliament in 2018–19 on the steps taken to give effect to nine recommendations about ways to prevent or reduce family and domestic violence fatalities.

**Mr FIELD:** Yes.

**The CHAIR:** I think we probably have covered that.

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**Mr FIELD:** It is very similar to the other—in fact, it is in the same folder. But, chair, the responsibility for that in the office—as I say, I have an assistant ombudsman of reviews who manages that team. She reports directly to me. She is an outstanding officer and she takes personal responsibility each year to work with her team to pull those materials together, to give me that report. Then we work through that to make sure we have got—because we could probably put 100 pages in the annual report. It is a question ultimately of getting that down to a manageable, digestible and clear number of pages. But we will have that material in next year’s annual report—or this year’s coming annual report.

**The CHAIR:** I am going to page 143, where there is brief mention about your appearances on 6PR, to talk to the community. Can you tell the committee how you find those and whether there are a lot of phone calls in terms of talkback from members of the public?

**Mr FIELD:** Thanks, chair. We have a whole range of ways of doing outreach and accessibility. Most of them are focused on where we think—there are three ways we do them. One is in relation to regional, so we go to regional centres, remote and regional, and that is for Western Australians working, living remotely, and also Aboriginal Western Australians in remote communities. The second is that we try to get very much at a point of where we think the complaint will arise. We work with the departments to ensure that they are escalating people who are saying, “I’m not happy with this.” Are they, at that point, ensuring they are telling people about their right to go to the Ombudsman on their websites and in their phone calls. That is another point where we do education, and that is a very targeted way of doing it. But probably the way that most ombudsmen use to get the most success is getting to people when they will actually need you. It is pretty inefficient for me to go on Nine news—you know, have an ad in the middle of Channel Nine news saying, “Come to the Ombudsman.” You really want to get people when they are thinking they want the Ombudsman. It is the same with the industry ombudsman area too. It is put on bills; part of their customer dialogue or narrative is, “I’m not satisfied.” Okay; then there is the Ombudsman.

But we also did not want to have no general outreach and no sense in which I was not engaged directly with the public. I have been doing this now for about 10 years, but when I first came here, it was then with Graham Maybury. When I first came here it was really about: is there a forum where we can do some outreach where people will know I am there; it is live and there will be calls that I can answer? We get a pretty full program of calls each time I go on that program, and they are very relevant and very helpful. We are able to resolve those complaints for people—the actual calls that come in—but we always use those calls to leverage off in broader discussions about the issue and how that issue might affect others in the community and how they are welcome to contact my office, and those sorts of things too.

For us, much of what we are really pleased about in the last lot of data that we looked at in the office is that our out-of-jurisdiction complaints have reduced dramatically. Most ombudsmen—most complaint handling agencies generally—have very large out-of-jurisdiction complaints. People are coming to you, but they really want to go somewhere else. That has reduced dramatically for us. That is usually a strong indication that people are understanding what the Ombudsman is doing: “I’m coming to the Ombudsman because I know what they do and I know what they are going to do for me”—hopefully, in terms of helping me give them the right answer—“At least I feel like I am going to be heard and get a fair process.” We are very pleased that whilst we do that—I do not think you should see a big photo of me smiling in *The West Australian* every day or on the Channel Nine news; the costs of that would be prohibitive alone and I think my daughter would tell me I was getting very full of myself. But the other thing is, it is about being targeted. We think these are the sorts of targeted ways of doing it. Of course, we always do media where appropriate, arising out of any major investigation that we do. It is true that with many of the investigations we do, the subject

matter is such that the media is very cautiously done because of the incredibly sensitive nature of the topics. But as important as it is to work out whether a bridge cost too much money, it is a little easier to go on the nightly news and say that and talk about some of those issues. So it has been important, it has been helpful, and the topics are covered. There are five, six or seven calls when I am on there. They are generally across both the parliamentary schemes, local government, universities, public agencies and also electricity, water and gas complaints—while wearing my other hat as energy ombudsman.

**The CHAIR:** How long have you been doing that?

**Mr FIELD:** About nine or 10 years—they have not got sick of me yet.

**The CHAIR:** I am sure they will not. Can you give the committee an indication of the cost of doing that? Is there a cost involved to the office?

**Mr FIELD:** No. There is basically no preparation required. Put it this way: if I do not know the answers after 11 years, you should get another Ombudsman. Yes; we basically do no preparation. I do not want to sound disrespectful to the terrific audience of 6PR, but the preparation is the work I do on a day-to-day basis, and the show is on around—it is not really much of an opportunity cost of my time—I think the show is about 8.15 to 9.00 at night, and it is once every three months. So it is not a huge impost of time and not a huge impost on my staff at all. The costs are incredibly small.

**The CHAIR:** I think it is a great initiative and I encourage you to continue doing that.

**Mr FIELD:** Thank you.

**Hon KYLE McGINN:** So does 6PR just get you on there; there is no cost at all to actually get the airtime?

**Mr FIELD:** No; I would never pay for something like that. I, personally, can never receive a fee for anything I do. That is absolutely forbidden under my legislation, so I could never receive a fee for anything. I would never ask and never could. In relation to them, no; the topic has never been broached. We would never pay for that.

**Hon KYLE McGINN:** How did it originate?

**Mr FIELD:** There are two forms of outreach we do on radio, basically. We do radio outreach, which is around our regional visits—that is, almost exclusively with the ABC, for obvious reasons, with their regional stations. Both myself and my deputy will do regional radio. We usually, often before we go down there, do prerecords, but also records. This one here, I honestly do not exactly remember the detail. I know when I came over here one of the things I said—going back one step, in a former job, when I worked in a non-government agency, we did extensive media. I was very keen to make sure that the Ombudsman was not just sitting at a desk in Perth, never heard of and never known. That was part of what we wanted to do with regional. It was partly what we wanted to do with making sure that my staff were more visible—not just the Ombudsman, but my staff, in terms of going to other meetings in the sector. I said to my staff at the time, “I should do some sort of regular radio.” In fact, I remember there was a discussion in the office: should we do a regular newspaper column or a regular radio appearance? A former Ombudsman had done a regular newspaper article called, “Ask the Ombudsman”. I think it had been in both *The West*, but also in local newspapers. We tossed that around for a bit. We thought it was going to be like a weekly thing and we thought the cost impost might be a little too significant; hard to de-identify—there were a few issues. I think it came up around that time, because it goes back a while, and we discussed ABC and we discussed 6PR. We did not want to do the morning, which is usually the heavy news component of the day, so we thought we would do something in the afternoon or evening, either drive or evening. I think one of the reasons was that the ABC night program was done out of Sydney—that was one of the other

reasons too. We thought it would be much better to do one locally, where I could just go down. You can do that just on the telephone, but radio works best, I think, when you go to the studio and you can have that interaction. I think that was basically the genesis of it, but it was just part of an outreach program basically. The idea that we pay them anything has never been raised and we never could and never would.

**The CHAIR:** I am going to move along now to page 208, “Key Efficiency Indicators”. I note that there has been a quite significant reduction in the average cost per finalised notification of death. Would you like to provide some details on that finalisation of notification process and how you have managed to drive those costs down?

**Mr FIELD:** That is principally—there is not really a scale change there because the staff team has stayed very similar in terms of the numbers. It really speaks to the fact that I am blessed with exceptional staff, and that staff team has been with me now for quite some time. We have a very clear and very mature management system in place. I think it really reflects the efficiency that you get when you have staff absolutely purposefully applied and very knowledgeable and clear about what they are doing. It will simply take them slightly less time to do it—they are not doing it with any less quality. In fact, I have to say this—once again, it is for others to judge—I actually think the quality of our review work in that space has gone up dramatically in the last couple of years despite that the costs are now going down. It really just reflects upon great staff who are simply more experienced at what they are doing and, therefore, do it more efficiently.

**The CHAIR:** To page 225, where a reference is made to attending adult prisons and Banksia Hill Detention Centre to meet with prisoners and juvenile detainees and prisoner representative groups to understand their specific needs. What sort of issues are coming up through those forums

**Mr FIELD:** I want to get to that very specifically. I will just say as the most quick preamble: that has been a really critical issue for us. One of the areas that we thought was a bit weak—we had gone through all these outreaches, and this raises the issue about outreach. When we were first talking about this, we thought we were a little bit weak in our outreach to children and young people. We really wanted to strengthen it up dramatically—vulnerable children and young people. We have done that in two ways: by a stronger engagement at Banksia Hill, but also much stronger engagement with out-of-home care provision as well.

I now have a staff team, which will be going to Geraldton very shortly. We will visit an out-of-home care facility there as an example. That is very much in light of the royal commission, Chair. We are mindful of potential state responses, but just thinking about the Royal Commission into Institutional Child Sex Abuse itself, one of the problems that really came up was who was there at the facilities as an impartial person to listen. We now are much more engaged with children and young people generally. We are working with the children and young persons’ commissioner and others because we see that as a vulnerable cohort of complainants to my office. As I say, out of home care is one and we are visiting those, and Banksia Hill is another. What is coming out of Banksia Hill?

Deputy, I will let you answer—with your indulgence, Chair.

[2.30 pm]

**Mrs WHITE:** We do two visits a year to Banksia Hill. We take with us not only our principal Aboriginal liaison officer, who is a woman, but also a male Aboriginal consultant who we take along with us, because most of the children in Banksia Hill are Aboriginal—so that we can have verbal communication with them about what some of the issues are that affect them. We have the opportunity to talk to the prisoners themselves, to talk with the children themselves with the two Aboriginal people there to make them comfortable about who is talking to them, and also we speak

to the superintendent and we talk to peer support staff as well so that we can keep communicating with them about what is happening. Some of the issues that come out—they are the sorts of normal issues you would expect in a prison environment. It will be about things like access to education programs. It will be about things like conditions, access to sport and recreation and so on, the difference between the boys and girls. Because there are so few girls in the facility, they do not have the same access to the bigger sporting areas just because of the proportional arrangement. The conditions under which they are housed and so on and movements around the prison. Sometimes we also get complaints that they have not been given information about their release dates or about parole issues—those sorts of things. We can very often help with the communication. What we often find is that it is about communication things. They have not necessarily felt comfortable about raising it with the prison themselves. When we raise it with the prison after they have spoken with us, we very often get a very quick response. Sometimes they have already been told but they have not understood it properly and they need to be given further information in a more detailed way so that they do understand it more comprehensively. It is an opportunity for those children to speak to us directly and have something happen for them. It is a very transient population, so it is not one of those things where you can go in and raise awareness in the detention centre and have that last, because those children will be out. In six-months' time when we go again we have just about a completely new cohort, which is why we try to go at least twice a year. But we also make it clear to them that they can call us—they can call our Aboriginal officer and we do have now an Aboriginal Inquiry Investigating Officer that we just recently appointed who can provide that Aboriginal liaison for them, and that is Banksia Hill.

In terms of the adult prisons, it is also a form of outreach. Often people do not have the capacity to make complaints in writing through the system, although they can call us and we will write down their concerns and deal with them, it is about getting out there as a form of outreach as we do for our regional Aboriginal communities.

**The CHAIR:** Chris, you will be pleased to know that brings me to the end of my questions. So thank you very much for answering them so fully and openly before the committee. It is greatly appreciated. I would like to give you an opportunity to provide a closing statement if you would like to.

**Mr FIELD:** I will make it mercifully short for you, Chair. Once again, it is a privilege to attend before you. I am here at your service any time over the term of this Parliament for any matters you need. Apart from being an officer of the Parliament and its committees, including this committee, we actually see a particular affinity—and we always have—with the public admin committee. Your role in having a standing role over public administration is basically the same as ours. I think that as an officer of the Parliament this is the committee to which I relate most obviously. As I say, either individually, as a committee, or at any stage through your clerk, otherwise, we are delighted to be of service.

**The CHAIR:** Thank you very much, Chris. Again, thank you to both of you for attending today. I remind you that a transcript of your evidence will be provided to you for your correction. If you identify any corrections that need to be made, just mark them on the transcript and return them back to our office. If there is any further information you want to provide, supplementary information, or if you think there are some additional points that you want to raise having read the transcript, feel free to do so. In respect to the questions on notice, if you could provide answers to those questions on notice at the same time as you return the transcript of evidence that would be great. However, some of them are quite detailed questions so if you need more time just let us know. Granting an extension of time will not be an issue. If you need more time, that is fine.

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**Mr FIELD:** We will make them a very high priority. We will get back to you about that. Thank you, Chair.

**The CHAIR:** Again, I thank you very much your attendance this afternoon..

**Mr FIELD:** It is our pleasure and thank you.

**Hearing concluded at 2.35 pm**

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